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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,129

06/27/2003

Toshitaka Iwago

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7590

08/11/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

GHATT, DAVE A

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/607,129	IWAGO ET AL.	
	Examiner	Art Unit	
	Dave A Ghatt	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-25 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-03-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The applicant should note that the Examiner has signed only those foreign references that were submitted with the application. It appears as though the applicant did not provide some of the listed references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

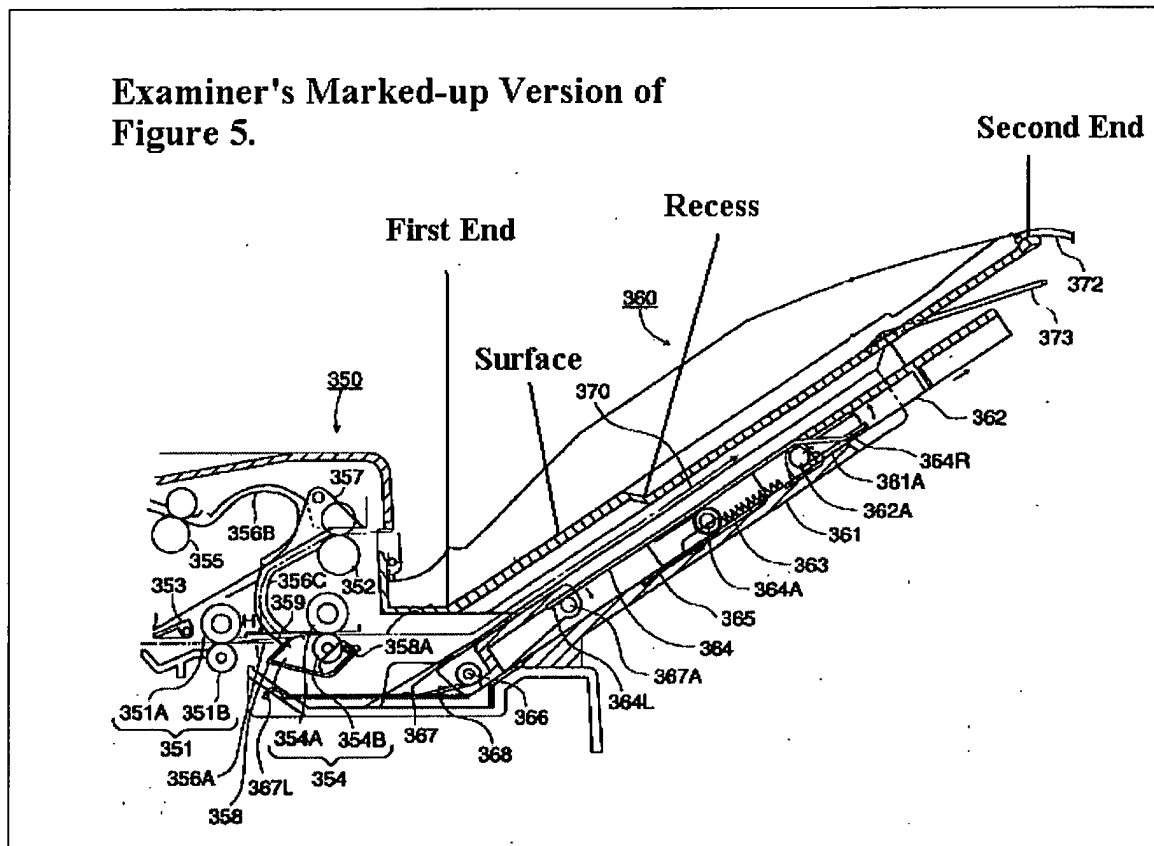
3. Claims 1-7 and 12-25 rejected under 35 U.S.C. 102(b) as being anticipated by Yoshie et al. (US 5,515,150). As outlined in the Abstract, and as illustrated in Figures 3-5, Yoshie et al. teaches the claimed method and apparatus. With respect to claims 1, 23, and 24, as illustrated below in the Examiner's Marked-up version of Figure 5 of Yoshie et al. teaches a tray 360, comprising a surface with a first end and a second end opposite to the first end. Figures 3 and 5 show a projection 372, which as illustrated in Figure 5 extends away from the surface and from the second end of the surface. As illustrated in the Examiner's Marked-up version of Figure 5, Yoshie et al. teaches a recess formed below the surface and from the projection 372 toward the first end.

With respect to claim 2, the structure of Yoshie et al. as outlined above, provides the capability such that, when a first document is placed on the surface the first document

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extends from the first end and covers only a portion of the recess and when a second document is placed on the surface, the second document having a length longer than the first document, the second document extends from the first end and covers all of the recess and only a portion of the projection. See column 11 lines 4-10.

With respect to claims 3 and 4, as illustrated in Figures 3 and Figure 5, the first end is connected to a feeding device 350 that feeds documents, and the tray 360 is a discharge tray located at a downstream side of a feeding device 350 that feeds documents.



With respect to claim 5, Figure 5 of Yoshie et al. shows the projection 372 extending from the surface such that the projection has a height that is higher than a

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discharge point (shown generally at 374 in Figure 5) at which the documents are discharged from the feeding device.

With respect to claim 6, Figure 5 shows a distance between a discharge point (generally located at 374 in Figure 5) at which the documents are discharged from the feeding device and an end of the recess located on the first end side is shorter than a length of the documents discharged onto the surface. See column 11 lines 4-10.

With respect to claim 7, Figure 5 shows the distance between a discharge point (generally located at 374 in Figure 5) at which the documents are discharged from the feeding device and an end of the projection located on the first end side is not equal to a length of the documents discharged onto the surface. See column 11 lines 4-10.

With respect to claims 12 and 13, insofar as structure is outlined, the projection 372 as taught by Yoshie et al., meets both requirements to be *formed* with the surface and to be *separate* from the surface.

With respect to claim 14, as shown in Figures 3, 5, and 6, the projection 372 is moveable from a first position (shown in Figures 3 and 6) with a bottom surface of the projection against the surface to a second position (shown in Figure 5) with the bottom surface inclined away from the surface.

With respect to claim 15, Figure 6 of Yoshie et al. shows the projection 372 in the recess. Figure 3 shows the structure of projection, illustrating a plurality of recesses for accommodating the projection. Therefore, this structure meets the requirement for a second recess formed under the projection such that when the projection is in the first position, abutting ends of the recess and the projection are on a same plane.

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With respect to claim 16, Figure 6 shows the recess surrounding a part of the projection 372.

With respect to claim 17, Figures 5 and 6 illustrate the structure of the recess, which is not symmetrical.

With respect to claim 18, the teaching of Yoshie et al. meets the limitations of this claim. Figure 5 shows a width of the recess decreasing *with proximity to* the first end.

With respect to claim 19, the structure of the tray 360 as outlined above, meets the requirement that a width of both the projection and the recess is shorter than the width of documents discharged onto the surface.

With respect to claim 20, as illustrated in Figure 5, a depth of the recess formed below the surface increases with proximity to the first end.

With respect to claim 21, the tray as taught by Yoshie et al. can be used as a document setting tray at an upstream side of a feeding device that feeds documents.

With respect to claim 22, as taught in column 11 lines 4-10, the projection 372 is moveable from an extended state to a contracted state.

With respect to claim 23, as outlined in column 1 lines 8-17, Yoshie et al. teaches a document scanning (copying) device as outlined, with the tray 360 receiving the document after the image has been read.

With respect to claim 24, as outlined in column 1 lines 8-17, Yoshie et al. teaches the feeding of the documents to the scanner in a one-by-one manner, and scanning the fed document. The step of discharging is illustrated in Figure 5, and outlined in column 3 lines 1-22.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshie et al. (US 5,515,150). As outlined in the above rejection to claim 24, Yoshie et al. teaches all the claim method steps, except Yoshie et al. does not specifically outline the step where a first document extends from the first end and covers only a portion of the recess and when the second document is placed on the surface, the second document covers only a portion of the projection. However, in view of the teaching of column 11 lines 4-10, in which Yoshie et al. specifically teaches using documents of different sizes in the copying process, it would have been obvious to one of ordinary skill in the art to perform the steps of covering portions of the recess and projections, because a user may, according to a desired copying preference, use different sized documents that partially or wholly cover tray surface.

Allowable Subject Matter

6. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including the

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projection having a first surface extending from the second end to a crease formed along the width of the projection and a second surface extending from the crease to an end of the projection located on the first end side, with the first surface and the second surface extending from the crease toward the surface.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800